

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CIV 08-0942 RB/LAM
No. CR 05-0144 RB**

JERRY WAYNE TRAXLER,

Defendant/Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* (Doc. 29) (hereinafter "PF&RD"), filed on September 16, 2009. No party has filed objections to the PF&RD, and the deadline for doing so has passed. Accordingly, the Court has determined that it will adopt the PF&RD, granting in part and denying in part Mr. Traxler's motion for extension of time to file a reply, denying the § 2255 claims, denying Mr. Traxler's request for an evidentiary hearing, and dismissing the case with prejudice.

IT IS THEREFORE HEREBY ORDERED that the *Proposed Findings and Recommended Disposition* (Doc. 29) are **ADOPTED** by the Court.

IT IS FURTHER ORDERED that the *Movant's Motion for Enlargement of Time* (Doc. 26) is **GRANTED IN PART** and **DENIED IN PART** as explained in the PF&RD (Doc. 29).

IT IS FURTHER ORDERED that the *Motion Under 28 U.S.C. Section 2255 to Vacate, Set Aside, or Correct Sentence by a Prisoner in Federal Custody* (Doc. 1), along with its supplement, *Motion to Supplement 28 U.S.C. § 2255 That Movant Requested be Held in Abeyance* (Doc. 12), is **DENIED**.

IT IS FURTHER ORDERED that Mr. Traxler's *Motion for Evidentiary Hearing* (Doc. 28) is **DENIED**.

IT IS FURTHER ORDERED that this case, No. CIV 08-0942 RB/LAM be, and hereby is, **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert Brack", is positioned above a horizontal line.

THE HONORABLE ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE